IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 11TH SEPTEMBER 2007 / 20TH BHADRA 1929

WP(C).No. 27020 of 2007(N)

OS.574/1991 of PRL.SUB COURT,IRINJALAKUDA
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PETITIONER:

RADHA, AGED 52 YEARS, W/O.RAMAN,
PALVINKOOTTATHIL HOUSE, VIYOOR,
THRISSUR.

BY ADV. SRI.RENJITH THAMPAN
SMT.P.A.ANITHA

RESPONDENTS:
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1. SANKARANKUTTY EZHUTHACHAN,
'USHAS', WEST FORT, THRISSUR.

2. SUBHADRA, W/O.SANKARANARAYANAN,
THACHUPARAMBIL HOUSE, NENMANIKKARA,
MADAVAKARA, THRISSUR DT.

3. KRISHNAKUMAR, S/O. -DO-

4. LATHA, D/O. -DO-

5. MOHANAKRISHNAN, S/O.MUKAMI,
CHEMANGADU VALAPPIL, VILVATTOM VILLAGE,
KUTTUMUKU DESOM, THRISSUR DT.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.Krishnan, J.

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W.P(C).No.27020 of 2007

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Dated this the 11th day of September, 2007.

JUDGMENT

This Writ Petition is filed seeking to set aside the order in I.A.No.2273 of 2007 in O.S.No.574 of 1991. By the said order, the court held that since the decree is already passed, new compromise cannot be recorded. A perusal of the records would reveal that during the pendency of the proceedings, there was a compromise and the subject matter about which we are concerned is plaint 'A' schedule property. In terms of the compromise, plaint 'A' schedule was ordered to be divided into six equal shares and to allot two shares to the plaintiff, two shares to defendants 4 to 6 together and two shares to the legal heirs of the the third defendant. There was absolutely no whisper about the right of the second defendant.

2. It is averred that an application was filed before court whereby they wanted that the 2/6 share allotted to defendants 4

to 6 has to be altered as 1/6 share and 1/6 share to be allotted to the second defendant. I am informed and it is seen from the averments that such an order also had been passed by the court below. But the difficulty for the court arose at the time of amendment because such a term is not available in the compromise petition, there is an objection raised by the office.

3. Therefore, in order to effect a proper implementation of the intention of the parties, I direct the present writ petitioner to file a petition for review of the judgment and on review of the judgment, the party be permitted to file additional compromise or an application to amend the compromise petition whereby the intention of the parties can be clearly carved out by passing a reviewed judgment with a reviewed decree. Needless to say that with respect to the division of other items of properties, there is no change.

Writ Petition is disposed of as above.

M.N.Krishnan,
Judge.

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